

ARKANSAS SUPREME COURT

No. CR 06-213

NOT DESIGNATED FOR PUBLICATION

FREDERICK PENNINGTON, JR.
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered

October 5, 2006

PRO SE MOTION FOR CERTIFIED
RECORD AT PUBLIC EXPENSE
[CIRCUIT COURT OF PULASKI
COUNTY, CR 77-1933, CR 77-1934, CR
77-1939, HON. JOHN W. LANGSTON,
JUDGE]

MOTION DENIED

PER CURIAM

In 1978, petitioner Frederick Pennington, Jr., entered a guilty plea to capital felony murder, first-degree battery, and multiple counts of aggravated robbery, and received an aggregate sentence of life imprisonment. In 2005, he filed a *pro se* pleading in the trial court entitled “New Rule of Law for Mandamus Motion to Withdraw Guilty Plea.” The trial court denied the pleading’s request for relief and petitioner tendered the record to this court on appeal. Our clerk correctly declined to lodge the record because no notice of appeal was filed within thirty days from entry of the order and we denied petitioner’s motion for belated appeal. *Pennington v. State*, CR 06-213 (Ark. April 6, 2006) (*per curiam*).

Petitioner filed a motion for reconsideration of the order denying his motion for belated appeal, which this court also denied. *Pennington v. State*, CR 06-213 (Ark. May 4, 2006) (*per curiam*). Petitioner next filed a pleading titled “Motion for Review of Certified Record,” in which he urged us once again to permit a belated appeal, to review the entire record, whether or not a

belated appeal was granted, and grant petitioner a new trial or modify his sentence. Petitioner additionally requested a certified copy of the record for a writ of *certiorari* review by the United States Supreme Court. That motion was also denied. *Pennington v. State*, CR 06-213 (Ark. June 29, 2006) (*per curiam*). Now before us is a new motion by petitioner that requests once again a copy of the record for the same purpose, and also requests copies of the two orders of this court dated April 6, 2006 and May 4, 2006. Petitioner also repeats in the motion the same requests for new review and reconsideration that have previously been raised and denied.

This new motion again fails to make any showing that the record is necessary in order to file a petition for writ of *certiorari* to the United States Supreme Court. While petitioner has attached to his motion what appears to be a copy of the motion he proposes to file with the United States Supreme Court, he does not explain how access to the record is essential to the points he anticipates raising. We do not provide a copy of the transcript to facilitate a postconviction proceeding without a showing that the record is necessary and that specific anticipated points cannot be properly raised without access to the transcript. *See Thomas v. State*, 328 Ark. 753, 945 S.W.2d 939 (1997) (*per curiam*).

As for the orders from this court that were requested, petitioner has previously been provided with copies of those opinions. Accordingly, petitioner's motion is denied.

Motion denied.